IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9519 of 2005

Between:

Smt. Are Vijayalaxmi, W/o. Sri A. Ramesh Yadav,
R/o. H.No. 17-2-314/4, Kurmaguda, Saidabad, Madannapet, Hdyerabad.

..... PETITIONER

AND

1 The District Registrar, O/o. District Registrar,
Nizam Shahi Road, Hyderabad.
2 The Sub-Registrar, Azampura, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus directing the respondents herein more particularly the 2nd respondent herein to register the sale deed which was presented by the Petitioner in respect of the property bearing Municipal No. 17-2-258/5/1 admeasuring about 300 sq. Yds. or equivalent to 250.83 Sq.Mts. along withal fixtures, fittings and things attached therein situated at Madannapet, Hyderabad and also to release the document after effecting registration within two weeks from the date of receipt of the copy of the order by duly declaring the action of the respondents with holding the document without effecting registration of the sale deed which was presented by the Petitioner for the purpose of registration even though there was no legal objection or prohibition with regard to registering the same under the provisions of Indian stamp Act and Registration Act, 1908 or by any court order is nothing but arbitrary, illegal and contrary to the provisions of Indian Stamp Act and Registration Act 1908.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed aggrieved by the alleged action of the second respondent Sub-Registrar in not registering the sale deed presented by the petitioner in respect of the property bearing Municipal No.17-2-258/5/1 admeasuring about 300 square yards of Madannapet Hyderabad, as arbitrary and illegal.

The petitioner states that the said document was presented for registration on 27-02-2004 duly paying the requisite registration charges. However, the respondents have kept the same pending without there being any justifiable reason. The petitioner asserts that no notification is issued, under Section 22-A of the Registration Act, 1908, in respect of the land in question and therefore, there is absolutely no justification on the part of the respondents in not registering the documents in question.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

The law is well settled that once a document is presented for registration, the registration authority is bound to receive the same and process it in accordance with law. In case there is any objection for registration, it is open to him to pass an order refusing registration but he cannot merely keep the same pending.

Accordingly, the writ petition is disposed of with a direction to the respondents to process and register the document in question, in accordance with law. It is made clear that in case, there is any objection for registering the documents in question, it is open to the respondents to raise such objection but the same shall be communicated to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 26-04-2005

NOTE: Furnish C.C. in a week

B/o.

LSK

To

1 The District Registrar, O/o. District Registrar,
Nizam Shahi Road, Hyderabad.
2 The Sub-Registrar, Azampura, Hyderabad.

3 Two C.Cs. to the G.P. for Revenue, High Court buildings, Hyderabad. (OUT)

4 Two C.D. copies.